

ATKINSON, ANDELSON, LOYA, RUUD & ROMO
 A Professional Corporation
 James H. Palmer, State Bar No. 90086
 Deanna J. Mouser, State Bar No. 143187
 5075 Hopyard Road, Suite 210
 Pleasanton, CA 94588-2797
 Telephone: (925) 227-9200
 Facsimile: (925) 227-9202
 Attorneys for Deanna J. Mouser and Atkinson,
 Andelson, Loya, Ruud & Romo

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

J.J., a minor, by and through his Guardian *Ad Litem*, Robert M. Vantress,

Plaintiff,

v.

OAK GROVE SCHOOL DISTRICT, a public entity school district, EMANUAL (MANNY) BARBARA, an individual, KATHERINE BAKER, an individual, RICHARD HOLTERMAN, an individual, TAMRA UNCK, an individual, RISA QUON, an individual, NANCY LETTENBERGER, an individual, JACQUELINE ADAMS, an individual, JEREMY NISHIHARA, an individual, DIANNE LEMKE, an individual, DENNIS HAWKINS, an individual, DEANNA JEAN MOUSER, an individual and ATKINSON, ANDELSON, LOYA, RUUD & ROMO, a Professional Law Corporation,

Defendants.

CASE NO.: C08-05376 JW HRL

STIPULATION TO CONTINUE DEFENDANTS MOUSER AND AALRR'S SLAPP MOTION UNTIL MAY 2, 2011 AND [PROPOSED] ORDER THEREON

DATE: February 14, 2011
 TIME: 9:00 a.m.
 DEPT: 8, 4th Floor
 JUDGE: Hon. James Ware

Complaint Filed: November 26, 2008
 Trial Date: TBD

Pursuant to Northern District Civil Local Rule 6-2, it is hereby stipulated and agreed among counsel for the Plaintiff, J.J., a minor, by and through his appointed Guardian ad Litem, Robert M. Vantress, ("Plaintiff") and counsel for Defendants, Oak Grove School District, Emanuel (Manny) Barbara, Katherine Baker, Richard Holterman, Tamara Unck, Risa Quon, Nancy Lettenberger, Jacqueline Adams, Jeremy Nishihara, Dianne Lemke, Dennis Hawkins,

Deanna Mouser, and Atkinson, Andelson, Loya, Ruud & Romo (“AALRR”) (collectively “Defendants”) as follows:

WHEREAS, the Court has expressed a preference that the parties try to settle this case;

WHEREAS, Defendants Mouser and AALRR have duly noticed a motion to dismiss under Rule 12(b)(6) and a special motion to strike under the anti-SLAPP statute (CCP 425.16) that is scheduled to be heard on February 14, 2011;

WHEREAS, Plaintiff’s counsel has expressed an intent to initiate discovery if the special motion to strike under the anti-SLAPP statute is not continued for at least 60 days to allow time for a settlement conference to occur and for discovery thereafter to occur before the special motion to strike is heard;

WHEREAS, the parties would prefer to conduct the settlement conference before incurring the expense of discovery;

NOW, THEREFORE, the Parties, through their respective counsel, agree and stipulate that:

1. Defendants Mouser and AALRR’s motion to dismiss under Rule 12(b)(6) will be heard as scheduled on February 14, 2011;(Docket Item No. 159, 160)

2. Defendants Mouser and AALRR’s special motion to strike under the anti-SLAPP statute (CCP 425.16) will be continued until and will be heard by the Court on Monday, May 2, 2011;(Docket Item No. 152).

3. No discovery will be initiated or scheduled until after the settlement conference has concluded.

IT IS SO STIPULATED.

DATED: 12/21/2010

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

By: /s/
Deanna J. Mouser
Attorneys for DEANNA JEAN MOUSER and
ATKINSON, ANDELSON, LOYA, RUUD & ROMO

1 DATED: 12/21/2010

DAVIS & YOUNG, APLC

2
3 By: /s/

Mark E. Davis

Attorneys for Defendants

4
5 DATED: 12/21/2010

VANTRESS LAW GROUP

6
7 By: /s/

Robert Vantress

Attorneys for Plaintiff

8
9
10 **ORDER**

11 PURSUANT TO THIS STIPULATION, IT IS ORDERED that: (1) Defendants Mouser
12 and AALRR's motion to dismiss under Rule 12(b)(6) will be heard as scheduled on
13 February 14, 2011; (2) Defendants Mouser and AALRR's special motion to strike under the
14 anti-SLAPP statute (CCP 425.16) will be continued until and will be heard by the Court on
15 Monday, May 2, 2011; and (3) No discovery will be initiated or scheduled until after the
16 settlement conference has concluded.

17 IT IS SO ORDERED.

18 DATED: January 3, 2011

19 By: 

Hon. James Ware

United States District Judge

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Deanna Mouser, attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of December, 2010 at Pleasanton, California.

/s/
Deanna J. Mouser

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

5075 HOPKINS ROAD, SUITE 210
PLEASANTON, CA 94588-2797
TELEPHONE: (925) 227-9200
FACSIMILE: (925) 227-9202